UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 FEB 22 PM 2:06
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

'08 MJ 0534

UNITED STATES OF AMERICA v. Julian Hernandez	Magistrate Case No. COMPLAINT FOR VIOLATION OF Title 18, United States Code Section 751(a) Escape from Federal Custody

The undersigned complainant, being duly sworn states:

That on or about February 12,2008, at San Diego, California, in the Southern District of California, Julian Hernandez did unlawfully and willfully escape from an institution and facility in which he was confined by direction of the Attorney General, to wit: Pacific Furlough, San Diego, California, a federally contracted facility, said custody and confinement being by virtue of his conviction for Possesion, Transporting, Importing Marijuana in violation of Title 18 United States Code 952 and Title 18 United States Code 960 in violation of Title 18, United States Code Section, 751(a).

And the complainant states that this complaint is based on the attached affidavit, which is incorporated herein by reference.

Brian Keith Caserta
Deputy U.S.Marshal

Sworn to before me, and subscribed in my presence, this day of February 22, 2008.

United States Magistrate Judge
William McCurine

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SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

I, Brian Keith Caserta, being duly sworn, hereby depose and say:

1. I am a Deputy U.S. Marshal and have been so employed for over five years.

2. This affidavit is made in support of a complaint against Julian Hernandez for escape from the custody of the Attorney General, in violation of Title 18, United States Code, Section 751(a).

3. On February 21, 2008 at 1300 hours, the United States Marshals Service, S/CA, received a report that Julian Hernandez had escaped from the Metropolitan Correction Center, 808 Union Street, San Diego, California, a federal facility.

4. On February 21, 2008 I reviewed files from the United States Marshals Service and the Metropolitan Correction Center. My review of the files revealed the following facts:

a. Records show that Hernandez had received a sentence of 15 months custody imposed by United States District Court Judge John Houston, Southern District of California, on June 17, 2005 after having been convicted of violating Title 18 USC 952 and 18 USC 960.

b. The records show that on February 12, 2008, Hernandez was released from the Metropolitan Correction Center to surrender to the Pacific Furlough Facility and did not show up.

c. As of February 22, 2008 Hernandez has not returned to Correctional Alternatives nor has he surrendered to the United States Marshals Service and his current whereabouts are unknown.

Dated: February 22, 2008

Brian Keith Caserta
Deputy United States Marshal
United States Marshals Service

Subscribed and sworn to before me
on this 22nd day of February 2008.

United States Magistrate Judge William McCurine